

PATENT

(Practitioner's Docket No. IN- 5531 )

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Maxime Euring ALLARD, et al

Serial No.: 10/009,394

Filed: October 25, 2001

Group Art Unit: not yet assigned

Examiner: not yet assigned.

For: Highly Scratch Resistant Multilayer Coat, Method For Producing And Use Of The Same

**ATTN: EXAMINER S. Ahmed**

Assistant Commissioner of Patents

Washington, D.C. 20231

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Of The International Preliminary Examination Report

03 Pages

- (X) English Translation Of The International Preliminary  
Examination Report

**05**  
05 Pages

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01 Page

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PATENT

(Practitioner's Docket No. IN-5531 )

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Maxime Euring ALLARD, Cyrille  
JAECQUES, and Isabelle KAUFFER

US Serial No.: 10/009,394

Filed: October 25, 2001

For: Highly Scratch-Resistant Multi-Layer  
Paint Coating, Method For Producing The  
Same And The Use Thereof

Group Art Unit: Not Assigned

Examiner: Not Assigned

I hereby certify that the following PAGES are being  
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Attn: PCT  
Sandra Barry**COMMUNICATION FOR SUBMITTING THE ENGLISH TRANSLATION OF THE  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**Hon. Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International  
Preliminary Examination Report for the above-mentioned patent application.

Applicant believes that no fee is required for submitting the English Translation of the  
International Preliminary Examination Report. However, if applicant has inadvertently  
overlooked the need for a fee the Commissioner is hereby authorized to charge any  
additional fees or credit any overpayment to Deposit Account No. 23-3425.

This form is submitted in triplicate.

Respectfully Submitted,

  
Mary E. GolotaRegistration No. 36,814Date: January 3, 2002  
BASF Corporation  
26701 Telegraph Road  
Southfield, Michigan 48034-2442  
(248)-948-2020

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

43829 P.005/009  
NUM183

0003

Applicant's or agent's file reference <b>PAT99164PCT</b>		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/EP00/03267</b>		International filing date (day/month/year) <b>12 April 2000 (12.04.00)</b>	Priority date (day/month/year) <b>06 May 1999 (06.05.99)</b>
International Patent Classification (IPC) or national classification and IPC <b>B05D 7/00; 3/02, 3/06</b>			
Applicant <b>BASF COATINGS AG</b>			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand <b>22 November 2000 (22.11.00)</b>	Date of completion of this report <b>03 August 2001 (03.08.2001)</b>
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/03267

I. Basis of the report

1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages 1-45, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages 1-14, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig. \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations

Independent Claims 1 to 8

Independent Claims 1 to 4 concern clear varnishing or multi-layer varnishing hardened by actinic radiation. Claim 1 discloses partial hardening of a first clear varnish layer, the application of a second clear varnish layer and then joint hardening of the two layers. Claim 2 discloses hardening and abrading of a first clear varnish layer, the application of a second clear varnish layer and then hardening of the second clear varnish layer. Claim 3 discloses partial hardening of a first clear varnish layer applied wet-in-wet to a base varnish layer, the application of a second clear varnish layer and then joint hardening. Claim 4 discloses hardening and abrading of a first clear varnish layer applied wet-in-wet to a base varnish layer, application of a second clear varnish layer and then hardening of the second clear varnish layer. Claims 5 to 8 refer to the methods corresponding to Claims 1 to 4.

The search report citation, EP-A-0 568 967, does not

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 00/03267

suggest to a person skilled in the art one of the claimed procedures for producing the coats.

Consequently, Claims 1 to 8 meet the requirements of PCT Article 33(2) and (3) since their subject matter is novel and involves an inventive step.

**Dependent Claims 9 to 12**

These dependent claims contain developments of the subject matter of the independent claims and are therefore also novel and involve an inventive step.

**Claims 13 and 14**

The prior art does not disclose either a use of the coats, which use corresponds to the subject matter of Claim 13, nor products containing the coat and corresponding to the subject matter of Claim 14.

Consequently, Claims 13 and 14 also meet the requirements of PCT Article 33(2) and (3).

**Industrial applicability**

The subject matter of the claims is clearly industrially applicable as defined in PCT Article 33(4).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Independent Claims 1 to 4 each refer to coats that are defined not by technical features of the coat itself but only by method steps for its production.

Consequently, the category of these claims is not clear and these claims do not meet the requirements of PCT Article 6 (cf. PCT Guidelines, Section IV, III-3.1).

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

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